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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,605	04/14/2004	Robert A. Luciano JR.	SDG 04.003	8039
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Virtual Legal, LLC				
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EXAMINER				
YOO, JASSON H				
ART UNIT		PAPER NUMBER		
3714				
NOTIFICATION DATE		DELIVERY MODE		
09/30/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary**Application No.**

10/825,605

Applicant(s)

LUCIANO, ROBERT A.

Examiner

Jasson H. Yoo

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luciano (US 6,368,214) in view of Odom (US 6,581,935).

Claim 1. Luciano discloses a method of playing an interactive bingo game, comprising:

initiating a game session (col. 9:41-55);

providing a player a bingo card having a plurality of integers configured in a grid pattern (400 in Fig. 7A);

performing a plurality of game events wherein each game event comprises having said interactive game draw at least one bingo number (420 in Fig. 7D) from a set of bingo numbers (cols. 9:37-40, 10:2-30);

performing a plurality of chargeable actions wherein each chargeable action comprises charging a player a quantity of credits for each of said game events (bet per ball, col. 9:49-55), said quantity of credits is determined by said player (increase or decrease the bet, col. 9:49-55); and

awarding said player one or more prizes according to a dynamic pay-table (col. 9:58) that depends on a plurality of dynamic variables that are modified during said game session (depends on credits and number of ball drawn, cols. 9:56-10:30), said dynamic pay-table comprising,

a plurality of triggering events wherein each triggering event is associated with one of a plurality of bingo patterns (col. 9:60-62).

Luciano discloses the method of playing an interactive bingo game with a dynamic pay-table as discussed above. Luciano further discloses a threshold event when the player obtains a blackout (col. 9:65-67). However, Luciano fails to teach the threshold event is configured to determine a plurality of prize credits awarded for each subsequent bingo pattern. Nevertheless, providing a plurality of prize credits for obtaining subsequent winning patterns is well known in the art. In an analogous art to bingo, Odom discloses a method of providing a plurality of prize credits awarded for each subsequent bingo pattern (see Table A, in col. 4:42-59). Odom specifically discloses the player can obtain a of bingo patterns, such as column, row, diagonal or four corners (col. 2:18-20). When multiple bingo patterns are made, the payout increases (col. 4:24-37). When providing a plurality of prize credits for obtaining subsequent winning patterns the player is awarded extra for the additional bingo patterns. When incorporating with Luciano's interactive bingo game, the player will be motivated to wager for extra balls after a bingo pattern has been obtained, in order to form additional bingo patterns and obtain extra winnings. Therefore it would have been obvious to one of ordinary skilled in the art a the time the invention was made to modify

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Luciano's interactive bingo game and incorporate Odom's prize credits for obtaining subsequent bingo pattern, in order to provide the predictable result of paying out the player extra credits for additional the additional winning patterns.

Luciano in view of Odom further discloses the following:

Claim 2. Permitting the player to terminate the game after each game event (by clicking the end game button, Luciano, col. 10:33-34).

Claims 3, 21. Permitting the player to use player skill in deciding whether to terminate the game session (The player can terminate the game by clicking the end game button, Luciano, col. 10:33-34. Since this button is pressed by the player, it is based on the player's skill.).

Claims 4, 22. Providing the player a plurality of bingo cards (Player is provided a plurality of bingo cards to play with, Odom, col. 3:26-67.).

Claims 5, 13, 23, 30. The plurality of bingo patterns includes at least row, the row being horizontal, vertical or diagonal (Luciano, col. 9:61; Odom, col. 2:20).

Claims 6, 14, 24, 31. The bingo patterns includes a four corner bingo pattern (Luciano, col. 9:63-63; Odom, col. 2:20).

Claims 7, 15, 25, 32. The plurality of bingo patterns includes a blackout bingo pattern (Luciano, col. 9:65; Odom, col. 4:55).

Claims 8, 16, 26, 33. The plurality of dynamic variables comprises a quantity of dawn bingo numbers (Luciano, col. 10:16-22).

Claims 9, 17. The plurality of dynamic variables comprises a quantity of player credits wagered for each chargeable action (Luciano, col. 9:9:59; Odom, col. 4:45).

Claims 10, 18, 27, 34. The determining of the plurality of prize credits to award for each the plurality of bingo patterns is based on an allocations variable which is associated with the dynamic variable (Luciano discloses the dynamic pay-table depends on the credits and the number of balls drawn, cols. 9:56-10:30. Odom discloses a plurality of prize credits is awarded for each of the plurality of bingo patterns, col. 4:42-59).

Claims 11, 19, 28, 35. Comprising networking a plurality of interactive games (Odom discloses the game is networked, col. 5:25-33). A network interface card is inherent to communicate with the network.

Claim 12. Luciano in view of Odom discloses the interactive bingo gaming system as discussed in claim 1 above. Luciano further discloses a credit meter

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configured to record charging a player one or more credits for initiating a game (408, in Fig. 7A), a prize meter which is incremented each time said threshold event occurs (total win 410 in Fig. 7A), and a termination button that permits said player to terminate said game session after each game event (col. 10:33-34).

Claim 20. See rejection for claims 1 and 2.

Claim 29. See rejection for claim 12.

Response to Arguments

Applicant's arguments filed 6/13/08 have been fully considered but they are not persuasive.

Applicant argues that the Luciano'214 reference should be disqualified as prior art because the invention at the time the invention was made was commonly assigned to Sierra Design Group and have the same inventor. A 35 USC 103 rejection is based on 35 USC 102(a), 102 (b) 103(e), etc. depending on the type of prior art references used and its publication or issue date. For instance, an obviousness rejection over a US patent which was issued more than 1 year before the filing date of the application is said to be a statutory bar just as if it anticipated the claims under 35 USC 102 (b). See MPEP 2141.01 Prior art available under 35 USC 102 is available under 35 USC 103. Currently the prior art is a 35 USC 102 (b) art. The prior art was printed (April 9, 2002) more than one year before priority date of the current application (April 16, 2003).

Showing that the prior art and the claimed invention is commonly owned does not overcome a 35 USC 102(b) rejection. See MPEP 706.02(b) Overcoming a 35 USC 102 Rejection Based on a Printed Publication or Patent.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pocock (US 5,679,077), discloses Decision Bingo, where the player pays for extra bingo balls.

Graves (US 5,830,067) discloses chip-up type bingo.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasson H. Yoo whose telephone number is (571)272-5563. The examiner can normally be reached on 9:00am - 5:00am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714

JHY